## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA Alexandria Division

E.K. and S.K., minors, by and through their parent and next friend, LINDSEY KEELEY <i>al.</i> ,	,
Plaintiffs,	) Case No. 1:25-cv-637 (PTG/IDD)
v.	)
DEPARTMENT OF DEFENSE EDUCATION ACTIVITY, et al.,	ON )
Defendants.	) )

## **DEFENDANTS' MOTION FOR AN ENLARGEMENT OF TIME**

Defendants, through their undersigned counsel, hereby respectfully move for a limited enlargement of time with respect to this Court's Order regarding the list of books under review. (Dkt. No. 37). Plaintiffs take no position on the requested relief. Good cause exists as follows:

- 1. Plaintiffs, twelve students in five Department of Defense Education Activity ("DoDEA") schools, initiated this action on April 15, 2025. They generally bring two claims under the First Amendment's Free Speech Clause in connection with DoDEA's review of its library collections and curriculum. *See generally* Dkt. 1.
- 2. About three weeks later, on May 7, 2025, Plaintiffs moved for a preliminary injunction. Dkt. Nos. 9-10. After briefing was completed, the Court heard oral arguments on the motion on June 3, 2025. Dkt. No. 37.
- 3. At the hearing, the Court ordered Defendants "to file all information/lists as to material removed within 7 days." Dkt. No. 37.
- 4. Defendants, through counsel, now seek a limited enlargement of time, to and including June 16, 2025, to comply with the Court's order.

- 5. Since the entry of this Court's order, undersigned counsel have been diligently consulting with its Department of Defense colleagues about a list of those books currently under review within the Department of Defense in connection with the subject matter of this civil action. Defendants require additional time to assess whether such a list of books currently under review within the Department of Defense may be protected by privilege, and whether its wishes to advance other legal arguments against the filing of the same while that review remains ongoing. But for preplanned annual leave of undersigned counsel, Defendants would have requested only three additional days, to and including June 13, 2025, in order to finish this assessment. However, both Assistant United States Attorneys assigned to this case will be out of office on June 13, 2025, one for family commitments and the other on a prepaid trip.
- 6. Granting the extension will not prejudice Plaintiffs. As noted in Defendants' opposition to the motion for preliminary injunction, the DoDEA school year is drawing to a close. Dkt. No. 29 at 28-29. Additionally, Plaintiffs conceded at the hearing that the Court need not consult and review the list to rule on the motion for preliminary injunction. 6/3/2025 Hr'g Tr. at 13:11-16; 16:24-17:7
- 7. Counsel for Defendants have conferred with Plaintiffs' counsel regarding the requested relief and Plaintiffs have indicated that they take no position on the requested relief.
  - 8. A proposed order is attached for the convenience of the Court.

Dated: June 6, 2025 Respectfully submitted,

> ERIK S. SIEBERT United States Attorney

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